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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

29 HARRY STUART KINDER,
30 Plaintiff,
31
32 v.
33 LM INSURANCE CORPORATION,
34 LIBERTY MUTUAL INSURANCE
35 COMPANY, and Does 1 through 100,
36
37 Defendants.

Case No. 2:23-cv-01338-JAD-BNW
STIPULATED DISCOVERY PLAN
AND SCHEDULING ORDER

SPECIAL SCHEDULING REVIEW
REQUESTED

38 Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule 26-1,
39 Defendants LM Insurance Corporation ("LM") and Liberty Mutual Insurance Company
40 ("Defendants"), by and through their counsel of record, the law firm Maynard Nexsen LLP, and
41 Plaintiff Harry Stuart Kinder, *pro se* ("Plaintiff") (collectively "the Parties"), submit this
42 Stipulated Discovery Plan and Scheduling Order.

A. Initial Disclosures.

43 The Parties have stipulated that Defendants will make initial disclosures by March 21,

1 2024 and Plaintiff will provide initial disclosures by March 28, 2024

2 **B. Discovery Plan.**

3 The Parties jointly propose the following discovery plan:

4 **Subjects of discovery:** The parties may conduct discovery within the scope of FRCP
5 26(b), and expressly reserve their rights to conduct discovery on any and all matters relevant to
6 the claims and defenses raised in the pleadings or otherwise available to the parties.

7 **Should discovery be phased, limited or focused:** The parties do not believe that
8 discovery should be phased, limited, or focused. Discovery shall commence upon the entry of a
9 scheduling order.

10 **Disclosure of electronically stored information ("ESI"):** The parties have undertaken
11 efforts to retain any ESI relevant to this matter and have agreed that ESI need not be produced in
12 any certain form as long as the form provides the other party(ies) reasonable access to the
13 information. To the extent that any party seeks ESI that would be cumulative, burdensome or
14 unduly costly to produce, counsel for the parties will confer in good faith to reach a mutual
15 agreement regarding the production of such ESI.

16 **Protection of Privileged/Trial Preparation Materials:** The parties prefer to handle these
17 issues on an *ad hoc* basis.

18 **Agreement to email service:** The parties agree that discovery requests, discovery
19 responses, and document productions may be served on counsel of record via email. Service of
20 such documents by email shall be treated the same as service by personal delivery for purposes of
21 calculating deadlines.

22 **Other Orders Under FRCP 26(c), or under FRCP 16(b) or (e):** The Parties anticipate
23 entering into a stipulated protective under FRCP 26(c) and are negotiating the terms thereof for
24 presentation to the Court.

25 **C. Statement of Reasons Why Different Time Periods Should Apply.**

26 The Parties respectfully request that the Court enter an order with the deadlines requested
27 herein. The Parties submit that the circumstances in this case justify time periods other than those

1 set out in Local Rule 26-1(b) should apply, here a reasonably lengthened discovery period of
2 approximately 3 months. First, Plaintiff has alleged some form of alter ego liability in this case.
3 Defendants strongly maintain that Plaintiff's theory fails as a factual matter and as a matter of
4 law. Plaintiff's pursuit of these claims may involve disputes regarding the availability and/or
5 discoverability of documents and information, beyond what would normally be expected in a
6 discovery dispute. Additionally, Plaintiff is proceeding *pro se* which may impact his availability
7 to participate in discovery. Finally, the Parties believe that providing for a different and longer
8 period, when such issues are reasonably anticipated, will save the Parties and the Court the
9 resources and effort of seeking modifications of deadlines that would be set in accordance with
10 Local Rule 26-1(b). The Parties believe that the deadlines set out below will allow for the
11 reasonable and orderly conduct of discovery in this matter.

12 **D. Discovery Cut-Off Date.**

13 The parties request a discovery period closing on **October 28, 2024**.

14 **E. Amending the Pleadings and Adding Parties.**

15 The parties shall file any motions to amend pleadings or add parties by **July 30, 2024**,
16 which is 90 days before the close of discovery.

17 **F. Expert Disclosures.**

18 Disclosures identifying experts and final expert reports shall be made by **August 29, 2024**,
19 which is 60 days before the discovery cutoff date. Rebuttal expert disclosures shall be made by
20 **September 28, 2024**, which is 30 days after the initial disclosure of experts.

21 **G. Dispositive Motions.**

22 The Parties shall file any dispositive motions by **November 27, 2024**, which is 30 days
23 after the close of discovery.

24 **H. Pretrial Order.**

25 The joint pretrial order shall be filed by **December 27, 2024**, which is 30 days after the
26 dispositive-motion deadline. However, in the event dispositive motions are filed, the date for
27 filing the joint pretrial order shall be suspended until 30 days after decision of the dispositive

1 motions or further order of the court.

2 **I. FRCP 26(a)(3) Pretrial Disclosures.**

3 The disclosures required by FRCP 26(a)(3) and any objections thereto shall be included in
4 the pretrial order.

5 **J. Alternative Dispute Resolution/Mediation.**

6 The parties certify that they met and conferred about the possibility of using alternative
7 dispute-resolution including mediation, arbitration, and early neutral evaluation; and the parties
8 are exploring using one of these methods.

9 **K. Alternate Forms of Case Disposition.**

10 The parties certify that they considered consent to trial by a magistrate judge under 28
11 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order
12 2013-01). At this time, the parties do not agree to utilize these alternate forms of case disposition.

13 **L. Electronic Evidence.**

14 The parties certify that they considered whether they intend to present evidence in
15 electronic format to jurors for the purpose of jury deliberations. The parties did not make any
16 stipulations regarding providing discovery in an electronic format compatible with the Court's
17 electronic jury evidence display system.

18 Dated: March 13, 2024

MAYNARD NEXSEN LLP

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20 By: */s/ Nicholas J. Boos*
21 NICHOLAS J. BOOS
22 Attorneys for Defendant
23 LM INSURANCE CORPORATION and
24 LIBERTY MUTUAL INSURANCE
25 COMPANY
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1 Dated: March 13, 2024

2 By: Harry Stuart Kinder
3 HARRY STUART KINDER
Plaintiff *Pro Se*

4
5 **IT IS SO ORDERED**

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7 **DATED: 4:02 pm, March 14, 2024**

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11 **BRENDA WEKSLER**
12 **UNITED STATES MAGISTRATE JUDGE**

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PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

4 I am employed in the County of San Francisco, State of California. I am over the age of
5 18 and am not a party to the within action. My business address is Maynard Nexsen LLP, Two
Embarcadero Center, Suite 1450, San Francisco, CA 94111. On the date indicated below, I served
the foregoing document described as:

STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER

on the interested parties in this action:

Harry Stuart Kinder
11720 Puerto Banus Avenue
Las Vegas, NV 89138
Tel: (415) 717-2471
Email: barrister999@yahoo.com

Plaintiff, Self-Represented

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused the documents to be sent from email address bday@maynardnexsen.com to the persons at the e-mail addresses listed above.

I declare that I am employed in the office of a member who has been admitted to the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

16 || Executed on March 13, 2024, in San Francisco, California.

Brian Day